

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

TERRY L. COOKE,)	
Plaintiff)	
v.)	No. 4:05-cv-34
JO ANNE B. BARNHART,)	
Commissioner of)	
Social Security,)	
Defendant)	

MEMORANDUM AND ORDER

This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b) and Rule 72(b), Federal Rules of Civil Procedure, for a report and recommendation regarding disposition of plaintiff's motion for judgment on the administrative record [Court File #12] and defendant's motion for summary judgment [Court File #13]. In a report and recommendation dated April 12, 2006, the United States magistrate judge recommended that plaintiff's motion be denied and defendant's motion be granted. Plaintiff has failed to file a timely objection to the report and recommendation and is therefore deemed to have waived any response. Rule 7.2, Local Rules for the United States District Court for the Eastern District of Tennessee.

Upon a *de novo* review of the record in this case and the magistrate judge's report and recommendation, I am in agreement with the United States magistrate judge. Specifically, although the claimant's exertional limitations do not allow him to perform a full range of light work, there is substantial evidence in the record that there are a significant number of jobs in the national economy that he could perform, and such jobs exist in the State of Tennessee in significant numbers. Therefore, the claimant was not under disability as defined by the Social Security Act. Moreover, there is substantial evidence in the record that plaintiff had only mild limitations and could do routine, repetitive tasks.

Accordingly, the report and recommendation of the United States magistrate judge [Court File #15] is hereby ACCEPTED IN WHOLE. Plaintiff's motion for judgment on the administrative record [Court File #12] is DENIED; defendant's motion for summary judgment [Court File #13] is GRANTED; and the final decision of the Commissioner is AFFIRMED.

ENTER :

s/ James H. Jarvis
UNITED STATES DISTRICT JUDGE